

ORIGINAL

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

**THE BURLINGTON NORTHERN and)
SANTA FE RAILWAY COMPANY, and)
CITY OF EARLVILLE, LaSALLE COUNTY,)
ILLINOIS,)**

Petitioners,)

v.)

**STATE OF ILLINOIS, DEPARTMENT)
OF TRANSPORTATION)**

Respondent.)

**Petition seeking an order from the Illinois)
Commerce Commission authorizing permanent)
closure and removal of the grade crossing located)
at the intersection of Ottawa Street, in the City of)
Earlville, LaSalle County, Illinois and the trackage)
of The Burlington Northern and Santa Fe Railway)
Company at Milepost 72.14, DOT No. 079 627H.)**

No. T 02-0063

**RECEIVED
JUN 25 2002**

**Illinois Commerce Commission
RAIL SAFETY SECTION**

**THE BURLINGTON NORTHERN AND SANTA FE RAILWAY
COMPANY'S MOTION FOR CONTINUANCE OF PUBLIC HEARING**

Now comes joint petitioner, The Burlington Northern and Santa Fe Railway Company ("BNSF"), by its attorneys, Kenneth J. Wysoglad & Associates and moves the Illinois Commerce Commission for an order continuing the July 25, 2002 scheduled public hearing in the above captioned cause. In support thereof, BNSF states as follows:

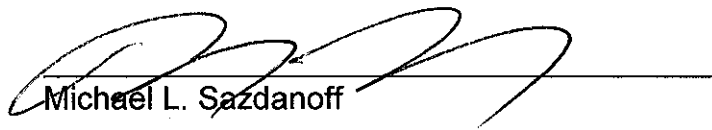
1. On June 4, 2002 joint petitioners filed their joint petition in the above captioned cause seeking an order from the Illinois Commerce Commission authorizing permanent closure and removal of the grade crossing located at the intersection of Ottawa Street in the City of Earlville, Illinois and the trackage of The Burlington Northern and Santa Fe Railway Company at milepost 72.14, DOT No. 079 627H.
2. Public hearing in the above referenced cause is currently schedule to be held on July 25, 2002 at the hour of 9:30 a.m. at the offices of the Illinois Commerce Commission located in Chicago, Illinois.

DOCKETED

3. At time of public hearing BNSF anticipates calling as one of its witnesses, Ms. Cheryl Townlian, BNSF's public works engineer who is responsible for and familiar with the at-issue grade crossing closure project. Ms. Townlian is currently scheduled to be on vacation during the period of July 22, 2002 through and including July 26, 2002. As such, Ms. Townlian will be unavailable to appear and present testimony at the July 25, 2002 scheduled public hearing.
4. BNSF requests that the July 25, 2002 public hearing be continued to a date after August 1, 2002 so that a full and complete evidentiary presentation can be made.

Wherefore, joint petitioner The Burlington Northern and Santa Fe Railway Company requests that the Illinois Commerce Commission grant joint petitioner's motion herein and further enter an order continuing public hearing in the above captioned cause to a date after August 1, 2002.

KENNETH J. WYSOGLAD & ASSOCIATES



Michael L. Sazdanoff

Michael L. Sazdanoff
Kenneth J. Wysoglad & Associates
Attorneys for Petitioner
The Burlington Northern and Santa Fe Railway Company
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(312) 441-0333

PROOF OF SERVICE

Michael L. Sazdanoff, an attorney, being duly sworn on oath, deposes and says that on the 20 day of JUNE, 2002, he caused to be served, a true and correct copy of **THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY'S MOTION FOR CONTINUANCE OF PUBLIC HEARING** upon:

Mr. James C. Slifer
Director, Division of Highways
Illinois Department of Transportation
2300 S. Dirksen Pkwy., Suite 300
Administration Building
Springfield, IL 62764

Mr. William Sunley
Director of Local Roads and Streets
Illinois Department of Transportation
2300 S. Dirksen Pkwy., Suite 300
Springfield, IL 63764

Ms. June B. Tate
Administrative Law Judge
Illinois Commerce Commission, 8th Floor
160 N. LaSalle Street
Chicago, Illinois 60601

Mr. Henry Humphries
Railroad Staff
Illinois Commerce Commission
527 E. Capitol Avenue
Springfield, Illinois 62701

Mr. Robert Smith
Mayor, City of Earlville
P.O. Box 98
Earlville, Illinois 60518

by depositing same in the U.S. Mail depository located at Adams and Clinton Streets, Chicago, Illinois in an envelope(s) with first-class postage, prepaid.

